

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to minor's school licenses and chauffeur's and commercial driver's licenses and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 602, "Classes of Driver's Licenses," Chapter 604, "License Examination," Chapter 605, "License Issuance," and Chapter 607, "Commercial Driver Licensing," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.182, 321.188 and 321.196.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.1 as amended by 2021 Iowa Acts, House File 389; 321.188 as amended by 2021 Iowa Acts, House File 280, section 1; 321.194 as amended by 2021 Iowa Acts, Senate File 231, sections 1 and 2; and 321.196 as amended by 2021 Iowa Acts, House File 280, section 2.

Purpose and Summary

This proposed rule making amends Chapters 602, 604, 605 and 607. The following paragraphs explain the proposed amendments.

Minor's school license for farm work. The proposed amendments update Chapter 602 to conform the rules with 2021 Iowa Acts, Senate File 231, sections 1 and 2, which amend the permitted operations of a minor's school license to include driving for farm-related purposes if the person resides on or is employed by a farm, provided that the driving distance between the point of origin and destination is no greater than 50 miles. Prior to the 2021 legislation, driving for farm-related purposes was not a permitted operation of a minor's school license.

Chauffeur's driver's license. The proposed amendments update Chapters 602, 604, 605 and 607 to conform the rules with 2021 Iowa Acts, House File 389, which amends the definition of "chauffeur" within Iowa Code section 321.1(8). This legislation eliminates the need for a person to obtain a Class D-1 or D-2 chauffeur's license. A noncommercial Class C license will now be sufficient to operate commercial driver's license (CDL)-exempt truck-tractor semitrailer combination vehicles for farm work and large noncommercial straight trucks (26,000 pounds gross vehicle weight rating or less). A person still needs a Class D-3 chauffeur's license if that person operates a motor vehicle to transport 15 or fewer persons (including the driver) for wages, compensation, or hire and does not meet one of the exemptions in Iowa Code section 321.1(8).

Online commercial driver's license renewal. The proposed amendments update Chapter 605 to conform the rules with 2021 Iowa Acts, House File 280, sections 1 and 2. This legislation authorizes the Department to renew CDLs electronically. Prior to the 2021 legislation, holders of CDLs were prohibited from renewing their driver's licenses electronically even though online renewal has been an option for holders of noncommercial driver's licenses for several years. The proposed amendments align the online CDL renewal rules with the existing online renewal rule for noncommercial driver's licenses and add a few additional requirements that are specific to CDLs. Namely, a person who holds a CDL with a hazardous material or combination hazardous material and tank endorsement will not be permitted to renew the CDL online. This is because federal regulations require a person with a CDL hazardous material or combination hazardous material and tank endorsement to retake the hazardous materials knowledge test at each renewal. The proposed amendments also prevent a person holding a commercial

learner's permit (CLP) from renewing a CLP online. This is because CLPs are already issued for the federally authorized maximum validity period of one year and therefore cannot be renewed. Rather, if a CLP holder needs the CLP beyond one year, a new CLP must be issued.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found beyond any impact anticipated by the statutory change in 2021 Iowa Acts, Senate File 231.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 17, 2021. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on August 19, 2021, at 9 a.m. via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 17, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **602.12(1)“b”** as follows:

b. The license shall have one endorsement authorizing a specific type of motor vehicle or type of operation, as listed in 761—subrule 605.7(3). ~~The gross vehicle weight rating shall be determined pursuant to rule 761—604.35(321).~~

ITEM 2. Amend rule **761—602.12(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1 as amended by 2021 Iowa Acts, House File 389, 321.177, 321.189, and 321.196.

ITEM 3. Amend rule 761—602.26(321) as follows:

761—602.26(321) Minor’s school license.

602.26(1) Validity and issuance.

a. and b. No change.

c. The type of motor vehicle that may be operated is controlled by the class of driver’s license issued, except that Iowa Code section 321.194 as amended by 2021 Iowa Acts, Senate File 231, section 1, prohibits a licensee from operating a motor vehicle with more than two axles or a motor vehicle towing another vehicle. A Class C minor’s school license is valid for operating a motorcycle only if the license has a motorcycle endorsement. A minor’s school license is valid for operating a motorized bicycle.

d. No change.

602.26(2) Requirements.

a. No change.

b. An applicant who attends a public school shall submit a statement of necessity signed by the chairperson of the school board, the superintendent of the school, or the principal of the school if authorized by the superintendent. An applicant who attends an accredited nonpublic school shall submit a statement of necessity signed by an authority in charge of the accredited nonpublic school or a duly authorized representative of the authority. The statement shall be on Form 430021. The requirements of this paragraph apply to any applicant seeking to use the license for the purposes set forth in Iowa Code section 321.194(2) “a” as amended by 2021 Iowa Acts, Senate File 231, section 2.

c. and d. No change.

602.26(3) No change.

602.26(4) Multiple residences.

a. and b. No change.

c. A minor’s school license approved for travel to and from two residences for the purposes set forth in Iowa Code section 321.194 shall not be valid for travel directly between each residence unless the licensee is accompanied in accordance with Iowa Code section 321.180B(1) or unless the travel is for the purposes set forth in and subject to the limitations of Iowa Code section 321.194(2) “a” as amended by 2021 Iowa Acts, Senate File 231, section 2.

d. No change.

This rule is intended to implement Iowa Code sections 321.177, 321.180B, 321.189, 321.194 as amended by 2021 Iowa Acts, Senate File 231, and 321.196.

ITEM 4. Amend paragraph **604.21(1)“c”** as follows:

c. *Chauffeur’s test.* A chauffeur’s knowledge test is required for all:

(1) ~~Chauffeur’s~~ chauffeur’s instruction permits.

(2) ~~Class D driver’s licenses except those with an endorsement for “passenger vehicle less than 16-passenger design.”~~

ITEM 5. Amend rule **761—604.21(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1(8) as amended by 2021 Iowa Acts, House File 389, 321.180, 321.180A, 321.180B, 321.186, 321.189, 321.196 and 321.198.

ITEM 6. Amend subrule 605.7(3) as follows:

605.7(3) For a Class D driver’s license (chauffeur). The following ~~endorsements~~ endorsement may be added to a Class D driver’s license using ~~these~~ this number ~~codes~~ code:

~~1—Truck-tractor-semitrailer combination~~
~~2—Vehicle with 16,001 pounds gross vehicle weight rating or more. Not valid for truck-tractor semitrailer combination~~

3—Passenger vehicle less than 16-passenger design

ITEM 7. Amend rule **761—605.7(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1(8) as amended by 2021 Iowa Acts, House File 389, 321.180, and 321.189.

ITEM 8. Amend subrule 605.25(7), introductory paragraph, as follows:

605.25(7) The department may determine means or methods for electronic renewal of a noncommercial driver's license.

ITEM 9. Adopt the following **new** subrule 605.25(8):

605.25(8) The department may determine means or methods for electronic renewal of a commercial driver's license.

a. An applicant who is otherwise eligible to renew a commercial driver's license must meet the same eligibility requirements for renewing a noncommercial driver's license listed in paragraph 605.25(7) "*a*" to renew the license electronically and must also meet the following criteria:

(1) The applicant is not subject to any of the following restrictions or endorsements:

H—Hazardous material

X—Hazardous material and tank

(2) The applicant does not also hold a valid commercial learner's permit under Iowa Code section 321.180(2) as documented by restriction 3 on the commercial driver's license.

(3) An applicant self-certifying to non-excepted interstate driving has a valid medical certificate on file with the department as required under rule 761—607.50(321).

b. The requirements in paragraphs 605.25(7) "*c*" and 605.25(7) "*d*" shall also apply to a license issued under this subrule.

ITEM 10. Amend rule **761—605.25(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186; 321.188 as amended by 2021 Iowa Acts, House File 280, section 1; and 321.196; as amended by 2021 Iowa Acts, House File 280, section 2; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note); and 6 CFR Part 37.

ITEM 11. Amend paragraph **607.16(2)“c”** as follows:

c. A Class C commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code paragraph 321.189(1) "*c*." With the required endorsements and subject to the applicable restrictions, a Class C commercial driver's license is valid to operate any vehicle except a ~~truck-tractor-semitrailer combination as a chauffeur (Class D)~~ or a vehicle requiring a Class A or Class B commercial driver's license.

ITEM 12. Amend rule **761—607.16(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1(8) as amended by 2021 Iowa Acts, House File 389, 321.177, 321.182, 321.188, 321.189, 321.196, and 321.449 and 2013 Iowa Acts, chapter 104, section 2.